

**From:** Joe Gerhardstein  
**To:** Microsoft ATR  
**Date:** 1/17/02 2:31pm  
**Subject:** Microsoft Settlement

As a software developer and user of Microsoft products, as well as Apple and various Unix/Linux products, I have been following the court case closely for several years. I believe the current settlement as proposed is a complete travesty of justice.

The current settlement, while on the surface looking like it might prevent Microsoft from participating in anti-competitive actions, has no teeth and actually goes so far as to tell Microsoft to expand its monopoly by "giving away" its products to educational institutions.

My first major run-in with Microsoft occurred about 7 years ago while I was trying to write software for Windows 3.11. At the time, I had a need to access physical memory locations on the machine in order to transfer data from a high-end data-acquisition card. After a few days of searching their online help and discussion forums for the necessary API call, I called Microsoft to ask how to do this (at \$75 for the first three calls), and was told that a competitor's C compiler I was using wouldn't work and I needed to purchase the latest version of Microsoft Visual C++ compiler, which I did. After several days of working with this and we were still unable to perform the above task, I called Microsoft back (for a fee) and was told that the Visual C++ compiler was not enough, and I would also need to pay to join their "developers group". When I asked whether this for sure would solve the problem, I was told that they couldn't guarantee it. In the end we finally found some references to the necessary API (marked "don't use this as Microsoft doesn't guarantee that it will continue to be available in future releases") and used the competitor's C compiler to build the necessary .dll.

Through this entire process, I couldn't help but think "Well, here I am being bribed by Microsoft to tell me, a person who is trying to develop software for their operating system, how to program their operating system."

Every week I'm bombarded with more attempts by Microsoft to get me to buy more of their "solutions" or to give up on competitor's products and use theirs. One need go no further than look in the Internet Options menu on Internet Explorer (Tools -> Internet Options). Under the General tab, there are three buttons that you can use to assign a Home Page: Use Current (makes sense), Use Blank (also makes sense), and Use Default (what's default?). The last one when clicked, assigns Microsoft's home page. Why isn't there a button or pull-down menu to select AOL or Yahoo? I have yet to find a way to make the default something other than Microsoft's web page. Why is Microsoft the only company that seems to pull stuff like this? Or if you click "Search" in Internet Explorer, why is the default search engine Microsoft's? Other vendors, such as Apple with their

Sherlock search engine, by default include searches from other major sites such as Yahoo, Google, Excite, etc.

Every time I install Windows on a new computer, why is Microsoft Outlook and Microsoft Internet Explorer the only email and web browsers with not one, but two icons on the desktop (one on the desktop, one in the Start Menu tray)? When I install Apple's OS-X, I get Apple's mail program, but I also get IE/Outlook and Netscape Communicator icons with similar prominence. When I install Suse Linux, I get Netscape and Koncourer.

Look at Sun and Java. Why does Microsoft insist on not only not using Java, but goes and develops it's own version and basically makes Java unrunnable on their OS?

You're probably saying "well, that isn't illegal", and I agree. But why is Microsoft the only company that pulls stuff like that? The Justice Department has already determined that Microsoft acts in anti-competitive, monopolistic ways. The current court ruling seems to imply that the Justice Department believes that Microsoft is going to forget it's old ways and just start playing "nice". I have seen no such change in behavior over the last few years even after the ruling, and have a hard time believing that the current weak court ruling is going to have any impact on Microsoft and their traditional business practices. Even if you were to stop the blatantly anti-competitive ways, Microsoft will continue to coerce users in ways slightly less illegally until the Justice Department stops complaining.

The only way you can solve a problem like this is to separate the parts. Make it so one company sells operating systems and doesn't care who's browser or email client is shipped with the core OS, make another company responsible for Microsoft's other software applications, such as Office and IE, and make a third company responsible for Microsoft's Internet holdings (.NET, msn.com, etc.). Doing this will help (but not fully) prevent each part of Microsoft from favoring the others over competition. Doing anything less would be the same as doing nothing at all.

In case you believe that I am just "another anti-Microsoft nut", I would say to you that I believe in the last few years that Microsoft has actually done some innovation. I current run Microsoft Internet Explorer on my Mac at home, not because Apple or Microsoft has forced me to or made it too much of a hassle to choose another browser, but because Microsoft's offering runs 2x faster than Netscape Navigator, has better compatibility than iCab and costs less than Opera. This was a choice I made that was not biased by Apple or Microsoft, but instead was made on the relative merits of various freely-competing company's products. Unfortunately I cannot say that same for any computer that runs a Microsoft operating systems.

Joe Gerhardstein

-----  
Joe Gerhardstein

Senior Engineer/Systems Integrator  
DAQTron, Inc.  
1007-B Mansell Road  
Roswell, GA 30076  
770-643-1878  
770-645-6403 (fax)  
[www.daqtron.com](http://www.daqtron.com)